

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

RESIDEO TECHNOLOGIES, INC., et al.,

Plaintiffs,

-against-

SKYBELL TECHNOLOGIES, INC.,

Defendant.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 12/22/2023

23-cv-4295 (MKV)

ORDER

MARY KAY VYSKOCIL, United States District Judge:

The Court is in receipt of the parties' letters about Defendant's request to file a "corrected" version of an exhibit to its Amended Answer, Affirmative Defenses and Counterclaims, which request Plaintiff opposes [ECF Nos. 36, 38]. Defendant represents that two previous versions of the exhibit contained error messages and omitted pages but that Defendant has now corrected those problems [ECF No. 36]. Plaintiffs respond that Defendant's proposed "corrected" exhibit contains "new substantive content" that requires Plaintiffs to reevaluate their pending motion to dismiss Defendant's counterclaim [ECF No. 38]. Plaintiffs have separately filed a request for an extension of time to file any reply brief in support of their pending motion [ECF No. 39].

Defendant's request to file the proposed corrected exhibit [ECF No. 36] is GRANTED. Defendant shall file the corrected exhibit today, December 22, 2023. **This will be Defendant's last opportunity to correct this exhibit and otherwise to amend its pleading**, except as required by Rule 15 of the Federal Rules of Civil Procedure. Plaintiffs' request for an extension of time [ECF No. 39] is also GRANTED.

Accordingly, IT IS HEREBY ORDERED that, by January 5, 2024, Plaintiffs shall file either: (1) a letter representing that Plaintiffs' pending motion to dismiss has been mooted by the


filing of Defendant's corrected exhibit and, as such, Plaintiffs wish to file a new motion to dismiss or an answer to the counterclaim; or (2) any reply in support of the pending motion.

Any new response to the Amended Answer, Affirmative Defenses and Counterclaims with the corrected exhibit is due January 16, 2024.

The Clerk of Court respectfully is requested to terminate the letter motions at docket entries 36 and 39.

SO ORDERED.

Date: December 22, 2023
New York, NY


MARY KAY VYSKOCIL
United States District Judge